

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:21-cv-01328**

NexTier Completion Solutions Inc. v. DynaEnergetics Europe GmbH et al Date Filed: 04/21/2021  
Assigned to: Chief Judge Lee H Rosenthal Date Terminated: 10/01/2021  
Related Cases: [3:20-cv-00376](#) Jury Demand: Both  
[4:21-cv-00280](#) Nature of Suit: 830 Patent  
[4:21-cv-00283](#) Jurisdiction: Federal Question  
[4:21-mc-01278](#)

Cause: 28:2201 Declaratory Judgment

**Plaintiff**

**NexTier Completion Solutions Inc.**

represented by **Colin Baker Phillips**  
Ahmad, Zavitsanos, Anaipakos, Alavi &  
Mensing, PC  
1221 McKinney  
Ste. 2500  
Houston, TX 77010  
713-655-1101  
Email: cphillips@azalaw.com  
**ATTORNEY TO BE NOTICED**

**Demetrios Anaipakos**  
Ahmad Zavitsanos et al  
1221 McKinney  
Ste 2500  
Houston, TX 77010  
713-655-1101  
Fax: 713-655-0062  
Email: danaipakos@azalaw.com  
**ATTORNEY TO BE NOTICED**

**Joshua S Wyde**  
Ahmad Zavitsanos Anaipakos Alavi Mensing  
P.C.  
1221 McKinney St.  
Suite 2500  
Houston, TX 77010  
713-600-4923  
Fax: 713-655-0062  
Email: jwyde@azalaw.com  
**ATTORNEY TO BE NOTICED**

**Louis Liao**  
AZA Law  
1221 McKinney  
Ste 2500  
Houston, TX 77010  
713-655-1101  
Email: lliao@azalaw.com

*ATTORNEY TO BE NOTICED*

**Michael Dean McBride**

Ahmad, Zavitsanos, Anaipakos, Alavi &  
Mensing, PC

1221 McKinney Street

Suite 2500

Houston, TX 77010

713-655-1101

Fax: 713-655-0062

Email: mmcbride@azalaw.com

*ATTORNEY TO BE NOTICED*

**Scott Wayne Clark**

Ahmad, Zavitsanos, Anaipakos, Alavi &  
Mensing P.C.

1221 McKinney

Suite 2500

Houston, TX 77010

713-655-1101

Fax: 713-655-0062

Email: sclark@azalaw.com

*ATTORNEY TO BE NOTICED*

**Steven Thomas Juggle**

Ahmad Zavitsanos et al

1221 McKinney St.

Ste. 2500

Houston, TX 77010

713-655-1101

Email: sjuggle@azalaw.com

*ATTORNEY TO BE NOTICED*

**Amir H Alavi**

Ahmad, Zavitsanos, Anaipakos, Alavi &  
Mensing P.C.

1221 McKinney St

Ste 2500

Houston, TX 77010-2009

713-655-1101

Email: aalavi@azalaw.com

*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**DynaEnergetics Europe GmbH**

represented by **Barry Jeff Herman**

Womble Bond et al

100 Light St

26th Floor

Baltimore, MD 21202

410-545-5830

Email: barry.herman@wbd-us.com

*ATTORNEY TO BE NOTICED*

**Megan Charlotte Moore**

Rusty Hardin & Associates, LLP  
5 Houston Center  
1401 McKinney, Suite 2250  
Houston, TX 77010  
713-652-9000  
Fax: 713-652-9800  
Email: mmoore@rustyhardin.com

*ATTORNEY TO BE NOTICED*

**Preston H Heard**

Womble Bond et al  
271 17th St NW  
Suite 2400  
Atlanta, GA 30363  
404-888-7366  
Email: preston.heard@wbd-us.com

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Terry D Kernell**

Rusty Hardin & Associates, LLP  
1401 McKinney Street  
Suite 2250  
Houston, TX 77010  
713-652-9000  
Email: tkernell@rustyhardin.com

*ATTORNEY TO BE NOTICED*

**Defendant**

**DynaEnergetics US, Inc.**

represented by **Barry Jeff Herman**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Megan Charlotte Moore**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Preston H Heard**

(See above for address)

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Terry D Kernell**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**DynaEnergetics US, Inc.**

represented by **Barry Jeff Herman**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Megan Charlotte Moore**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Preston H Heard**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Terry D Kernell**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**DynaEnergetics Europe GmbH**

represented by **Barry Jeff Herman**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Megan Charlotte Moore**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Preston H Heard**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Terry D Kernell**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**NexTier Completion Solutions Inc.**

represented by **Amir H Alavi**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/21/2021	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number 0541-26320149) filed by NexTier Completion Solutions Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Civil Cover Sheet)(Alavi, Amir) (Entered: 04/21/2021)
04/21/2021	<u>2</u>	Request for Issuance of Summons as to DynaEnergetics US, Inc., filed.(Alavi, Amir) (Entered: 04/21/2021)
04/21/2021	<u>3</u>	Request for Issuance of Summons as to DynaEnergetics Europe GmbH, filed.(Alavi, Amir) (Entered: 04/21/2021)
04/22/2021	<u>4</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 7/30/2021 at 03:00 PM in Courtroom 9B before Judge Sim Lake. (Signed by Judge Sim Lake) Parties notified.(JacquelineMataadi, 4) (Entered: 04/22/2021)

04/22/2021	<u>5</u>	US Patent and Trademark Office Notified. AO 120, filed. (Attachments: # <u>1</u> Complaint) (JacquelineMataadi, 4) (Entered: 04/22/2021)
04/22/2021	<u>6</u>	Docketed in ERROR – Summons Issued as to DynaEnergetics US, Inc., DynaEnergetics Europe GmbH. Issued summons delivered to plaintiff by NEF, RETURN of Service of SUMMONS Executed as to DynaEnergetics US, Inc. served on 4/22/2021, answer due 5/13/2021; DynaEnergetics Europe GmbH served on 4/22/2021, answer due 5/13/2021, filed. (Attachments: # <u>1</u> Summon)(hlerma, 4) Modified on 4/26/2021 (hlerma, 4). (Entered: 04/22/2021)
04/26/2021	<u>7</u>	Summons Issued as to DynaEnergetics Europe GmbH, DynaEnergetics US, Inc.. Issued summons delivered to plaintiff by NEF, filed. (Attachments: # <u>1</u> summon)(hlerma, 4) (Entered: 04/26/2021)
04/27/2021	<u>8</u>	RETURN of Service, filed.(Alavi, Amir) (Entered: 04/27/2021)
04/29/2021	<u>9</u>	WAIVER OF SERVICE Returned Executed as to DynaEnergetics Europe GmbH served on 4/29/2021, answer due 7/28/2021, filed.(Alavi, Amir) (Entered: 04/29/2021)
04/30/2021	<u>10</u>	Unopposed MOTION for Extension of Time to Respond to Complaint by DynaEnergetics Europe GmbH, DynaEnergetics US, Inc., filed. Motion Docket Date 5/21/2021. (Attachments: # <u>1</u> Proposed Order)(Kernell, Terry) (Entered: 04/30/2021)
04/30/2021	<u>11</u>	ORDER – Granting <u>10</u> Unopposed MOTION for Extension of Time to Respond to Complaint ; Answer due for DynaEnergetics US, Inc. 7/17/2021. (Signed by Judge Sim Lake) Parties notified.(sanderson, 4) (Entered: 04/30/2021)
05/07/2021	<u>12</u>	CERTIFICATE OF INTERESTED PARTIES by NexTier Completion Solutions Inc., filed.(Alavi, Amir) (Entered: 05/07/2021)
06/17/2021	<u>13</u>	ORDER REASSIGNING CASE. Case reassigned to Chief Judge Lee H Rosenthal for all further proceedings. Judge Sim Lake no longer assigned to the case(Signed by Chief Judge Lee H Rosenthal) Parties notified.(olindor, 4) (Entered: 06/17/2021)
06/25/2021	<u>14</u>	Agreed PROPOSED ORDER <i>re Scheduling Order</i> , filed.(Alavi, Amir) (Entered: 06/25/2021)
06/28/2021	<u>15</u>	MOTION for Barry J. Herman to Appear Pro Hac Vice by DynaEnergetics Europe GmbH, DynaEnergetics US, Inc., filed. Motion Docket Date 7/19/2021. (Moore, Megan) (Entered: 06/28/2021)
06/28/2021	<u>16</u>	MOTION for Preston H. Heard to Appear Pro Hac Vice by DynaEnergetics Europe GmbH, DynaEnergetics US, Inc., filed. Motion Docket Date 7/19/2021. (Moore, Megan) (Entered: 06/28/2021)
06/28/2021	<u>17</u>	ORDER granting <u>16</u> Motion for Preston H. Heard to Appear Pro Hac Vice.(Signed by Chief Judge Lee H Rosenthal) Parties notified.(ShoshanaArnow, 4) (Entered: 06/28/2021)
06/28/2021	<u>18</u>	ORDER granting <u>15</u> Motion for Barry Herman to Appear Pro Hac Vice.(Signed by Chief Judge Lee H Rosenthal) Parties notified.(gkelner, 4) (Entered: 06/28/2021)
06/30/2021	<u>19</u>	Opposed MOTION for Protective Order by NexTier Completion Solutions Inc., filed. Motion Docket Date 7/21/2021. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Amir Alavi, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L)(Alavi, Amir) (Entered: 06/30/2021)
07/02/2021	<u>20</u>	Unopposed MOTION to Withdraw <u>19</u> Opposed MOTION for Protective Order by NexTier Completion Solutions Inc., filed. Motion Docket Date 7/23/2021. (Attachments: # <u>1</u> Proposed Order)(Alavi, Amir) (Entered: 07/02/2021)

07/06/2021	<u>21</u>	ORDER granting <u>20</u> Motion to Withdraw; withdrawing <u>19</u> Opposed MOTION for Protective Order.(Signed by Chief Judge Lee H Rosenthal) Parties notified.(gkelner, 4) (Entered: 07/06/2021)
07/07/2021	<u>22</u>	SCHEDULING ORDER and Scope of Permissible Discovery. Answer date for DynaEnergetics' due by 7/27/2021. Rule 26 Exchange due by 8/4/2021. Compliance with PR 4-1 due by 7/14/2021 Compliance with PR 4-2 due by 8/4/2021 Compliance with PR 4-3 due by 9/1/2021 Amended Pleadings due by 9/1/2021. Response to Amended Pleadings due by 9/15/2021 Technical Advisors Information due by 10/6/2021 Discovery – Claim Construction due by 9/29/2021 Written Tutorials due by 10/6/2021 Compliance with PR 4-5(a) due by 10/20/2021 Compliance with PR 4-5(b) due by 11/3/2021 Compliance with PR 4-5(c) due by 11/10/2021 Claim Construction Chart due by 12/8/2021. Markman Hearing set for 12/15/2021 at 10:00 AM at Courtroom 11B before Chief Judge Lee H Rosenthal. Decision on Claim Construction due by 2/15/2022 Final Infringement Contentions due by 3/15/2022 Final Invalidity Contentions due by 3/29/2022 Compliance with PR 3-8 due by 3/15/2022 Pltf Expert Report due by 4/12/2022. Deft Expert Report due by 5/10/2022. Discovery due by 7/5/2022. Dispositive Motion Filing due by 8/2/2022. Non-Dispositive Motion Filing due by 8/2/2022. Ruling on Pending Motions due by 9/27/2022 Joint Pretrial Order due by 10/25/2022. Request for Daily Transcript due by 10/25/2022 Video & Deposition Designation due by 10/25/2022 Motions in Limine due by 10/25/2022 Objections due by 11/1/2022 Advisory due by 11/18/2022 Docket Call set for 11/21/2022 at 09:00 AM in Courtroom 11B before Chief Judge Lee H Rosenthal. Mediation due by 11/21/2022. Jury Selection set for 12/5/2022 at 09:00 AM in Courtroom 11B before Chief Judge Lee H Rosenthal. Jury Trial set for 12/5/2022 at 09:30 AM in Courtroom 11B before Chief Judge Lee H Rosenthal.(Signed by Chief Judge Lee H Rosenthal) Parties notified.(ShoshanaArnow, 4) (Entered: 07/08/2021)
07/21/2021	<u>23</u>	MOTION to Dismiss , <i>Transfer, or Stay</i> by DynaEnergetics Europe GmbH, DynaEnergetics US, Inc., filed. Motion Docket Date 8/11/2021. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R)(Herman, Barry) (Entered: 07/21/2021)
07/21/2021	<u>24</u>	PROPOSED ORDER re: <u>23</u> MOTION to Dismiss , <i>Transfer, or Stay</i> , filed.(Herman, Barry) (Entered: 07/21/2021)
07/21/2021	<u>25</u>	ANSWER to <u>1</u> Complaint with Jury Demand, COUNTERCLAIM against NexTier Completion Solutions Inc. by DynaEnergetics US, Inc., DynaEnergetics Europe GmbH, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K)(Herman, Barry) (Entered: 07/21/2021)
07/21/2021	<u>26</u>	CORPORATE DISCLOSURE STATEMENT by DynaEnergetics Europe GmbH, DynaEnergetics US, Inc., filed.(Herman, Barry) (Entered: 07/21/2021)
07/21/2021	<u>27</u>	NOTICE of Appearance by Demetrios Anaipakos on behalf of NexTier Completion Solutions Inc., filed. (Anaipakos, Demetrios) (Entered: 07/21/2021)
07/21/2021	<u>28</u>	NOTICE of Appearance by Scott Clark on behalf of NexTier Completion Solutions Inc., filed. (Clark, Scott) (Entered: 07/21/2021)
07/21/2021	<u>29</u>	NOTICE of Appearance by Michael McBride on behalf of NexTier Completion Solutions Inc., filed. (McBride, Michael) (Entered: 07/21/2021)
07/21/2021	<u>30</u>	NOTICE of Appearance by Colin Phillips on behalf of NexTier Completion Solutions Inc., filed. (Phillips, Colin) (Entered: 07/21/2021)
07/21/2021	<u>31</u>	NOTICE of Appearance by Joshua Wyde on behalf of NexTier Completion Solutions Inc., filed. (Wyde, Joshua) (Entered: 07/21/2021)
07/21/2021	<u>32</u>	

		NOTICE of Appearance by Steven Jugle on behalf of NexTier Completion Solutions Inc., filed. (Jugle, Steven) (Entered: 07/21/2021)
07/21/2021	<u>I 33</u>	NOTICE of Appearance by Louis Liao on behalf of NexTier Completion Solutions Inc., filed. (Liao, Louis) (Entered: 07/21/2021)
08/02/2021	<u>I 34</u>	NOTICE of Setting. Parties notified. Motion Hearing set for 9/1/2021 at 03:00 PM in by video before Chief Judge Lee H Rosenthal, filed. (gkelner, 4) (Entered: 08/02/2021)
08/02/2021	<u>I 35</u>	Letter to Judge Rosenthal re Privileged Documents by DynaEnergetics Europe GmbH, DynaEnergetics US, Inc., filed.(Moore, Megan) (Entered: 08/02/2021)
08/04/2021	<u>I 36</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by NexTier Completion Solutions Inc., filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Alavi, Amir) (Entered: 08/04/2021)
08/11/2021	<u>I 37</u>	ANSWER to <u>25</u> Answer to Complaint,, Counterclaim, with Jury Demand by NexTier Completion Solutions Inc., filed.(Alavi, Amir) (Entered: 08/11/2021)
08/11/2021	<u>I 38</u>	RESPONSE in Opposition to <u>23</u> MOTION to Dismiss , <i>Transfer, or Stay</i> , filed by NexTier Completion Solutions Inc.. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1 – Declaration of Colin Phillips, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O, # <u>18</u> Exhibit P, # <u>19</u> Exhibit Q, # <u>20</u> Exhibit U, # <u>21</u> Exhibit W, # <u>22</u> Exhibit X, # <u>23</u> Exhibit Y, # <u>24</u> Exhibit Z)(Alavi, Amir) (Entered: 08/11/2021)
08/11/2021	<u>I 39</u>	SEALED EXHIBITS re: <u>38</u> Response in Opposition to Motion,, by NexTier Completion Solutions Inc., filed. (Attachments: # <u>1</u> Exhibit R, # <u>2</u> Exhibit S, # <u>3</u> Exhibit T, # <u>4</u> Exhibit V) (Alavi, Amir) (Entered: 08/11/2021)
08/16/2021	<u>I 40</u>	MEMORANDUM OPINION AND ORDER entered: The DynaEnergetics motion, (Docket Entry No. 23), is granted. This case is stayed and administratively closed pending the Western District's decision on the pending motion to transfer. Any party may move to lift the stay within seven days of that decision. (Signed by Chief Judge Lee H Rosenthal) Parties notified.(leddins, 4) (Entered: 08/16/2021)
10/01/2021	<u>I 41</u>	Unopposed MOTION to Lift Stay by DynaEnergetics Europe GmbH, DynaEnergetics US, Inc., filed. Motion Docket Date 10/22/2021. (Attachments: # <u>1</u> Proposed Order)(Moore, Megan) (Entered: 10/01/2021)
10/01/2021	<u>I 42</u>	ORDER GRANTING UNOPPOSED MOTION TO LIFT STAY AND TRANSFER CASE TO WESTERN DISTRICT OF TEXAS. Case reopened on 10/1/2021.(Signed by Chief Judge Lee H Rosenthal) Parties notified.(olindor, 4) (Entered: 10/01/2021)
10/01/2021	<u>I</u>	Interdistrict transfer to Western District of Texas. Case transferred electronically. Case terminated on 10/1/2021, filed. (olindor, 4) (Entered: 10/01/2021)